REMARKS

Claims 1, 4-6, 9-12 and 14-26 were pending in the application and were rejected. Applicant has amended claims 10 and 18. New claims 27-30 have been added without introducing any new matter. Support can be found in Applicant's specification as published in United States Patent Publication No. 2005/0070302, specifically at paragraphs [0015] and [0022]. Applicant requests reconsideration of the rejections in view of the amendments and the following remarks.

CLAIM REJECTIONS UNDER 35 USC §103

The Office Action rejected claims 1, 4, 6, 9-12 and 15-26 under 35 USC 103(a) as being unpatentable over Knauerhase et al., (US 2004/0203998 Assignee Intel) in view of Shoaib et al. (US2003/0193910 Assignee: NTT DoCoMo). Applicant respectfully traverses this rejection for the following reasons.

With reference to claims 1 and 18, the Examiner concedes on page 4 of the Office Action that "Knauerhase explicitly fails to disclose the claimed limitations: 'historical data on received signal strength at the recent and target positions'; and 'wherein the information stored based on historical data on received signal strength at the recent and target positions is enhanced by information on an environment of the recent and target positions.'" The Examiner alleges that Shoaib provides these teachings at paragraphs [0071 - 0073], reproduced here:

[0071] The user context criteria **238** is such that it is appropriate to select one of the variety of triggers. For example, if the user's preference is to always handover to the high bandwidth network with best QoS when he is using his mobile device for business (e.g. user location is in office, talking to boss etc.) and select the least costly network when the user is using his mobile device for personal use (e.g. user location is in house, user is on vacation etc.), then a network handover trigger and any additional triggers that may be required will be selected if those criteria are met per step **248**. How the context information is to be interpreted for making triggering decisions may be decided by the user himself (manually), by the operator depending on past history or any other heuristics. If user (context) criteria **238** are not met, then the application state information will be saved per step **250**.

[0072] Local signal criteria **240** look at signal strength of the current point of attachment. Some possible signal strength states are: 1) SL000—No signal; 2) SL100—Extremely bad signal; 3) SL200—Poor signal; 4) SL300—Acceptable signal; 5) SL400—Good signal and 6) SL500—Excellent signal. Local signal criteria **240** is evaluated at step **252** and is satisfied when the signal strength with the current point of attachment becomes poor or worst (states <SL300).

[0073] The local signal criteria **240** is a qualitative criteria, which is derived from a quantitative criteria that is specific to access technology. For example, a good signal strength is specified by the vender and the operator depending on the wireless system (e.g., 6.1 dB). Note that should the local signal criteria **240** not be met, then the application state information will be saved per step **254**.

Shoaib's context-aware triggering mechanism does not decide on a target position based on historical data on received signal strength at the recent and target positions. Shoaib's QoS (Quality of Service) criteria does not include any historical data on signal strength. Additionally, Shoaib does not teach or suggest enhancing positional data with information on an environment of the recent and target positions. Instead, Shoaib takes into consideration "location criteria" and "user context criteria." Shoaib defines "location criteria" as:

[0040] The location criteria **222** depend on location related information in order to make triggering decision. The location criteria look at such factors as:

[0041] Position of the mobile terminal;

[0042] Position of the mobile terminal in relation to the coverage area of the current point of attachment;

[0043] State of the mobile terminal e.g. stationary or moving;

[0044] If moving, then speed and direction of the mobile terminal and whether moving towards the point of attachment or away; and

[0045] Position of mobile terminal in relation to (possibly) overlapping coverage areas of other nearby networks.

Shoaib defines "user context criteria" as:

[0065] The user context criteria **238** depend on the user context information. Such user context criteria **238** may look at such factors as:

[0066] User location specific service and network preferences;

[0067] User general service and network preferences;

[0068] User schedule/agenda;

[0069] User activity; and

[0070] User past behavior.

Note that Shoaib does not use information on the *environment* of the recent and target positions, as required by the claims, but instead considers other factors such as the user's preferences.

Because Shoaib fails to provide the teachings that were not found in Knauerhase, independent claims 1, 18, and 22 and their dependent claims are patentable over Knauerhase and Shoaib.

The Office Action rejected claims 5 and 14 under 35 USC 103(a) as being

unpatentable over Knauerhase et al., in view of Shoaib et al., and in further view of Carter et al. (US 2004/0152362 Assignee: Qualcomm). Carter is cited for a teaching of a plurality of wireless units. However, Carter does not provide the claim elements as described above that Knauerhase and Shoaib fail to provide. Therefore, claims 5 and 14 are patentable over the cited references.

CONCLUSION

For the foregoing reasons, Applicant respectfully requests allowance of the pending claims. The Director is hereby authorized to charge any fees which may be required, including any petition for extension of time fees under §1.17, or credit any overpayment, to Deposit Account Number 50-4062.

Respectfully submitted,

/Michael J. Buchenhorner/

Michael J. Buchenhorner

Reg. No. 33,162

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Michael Buchenhorner P.A.
8540 SW 83 Street
Miami Florida 33143
Telephone: (305) 273-8007
Fax: (305) 595-9579